S.B. CRIMINAL MISC. BAIL APPLICATION NO.1743/2006

Date of order : 10.5.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. D.S. Udawat, for the applicants.
Mr. Ashok Upadhyay, Public Prosecutor.

I have heard learned counsel for the applicant as well as learned Public Prosecutor for the State and carefully gone through the impugned order as well as the challan papers..

Learned counsel for the applicant contends that in this case the police have filed challan on circumstantial evidence. He contends that there is no evidence with regard to identification of the applicant on record. Likewise, he further contends, the allegation of weapons and ornaments is against the other co-accused. He submits that out of 30 prosecution witnesses, 18 witnesses have been examined before the court. He argues that from the perusal of the statements it is clear that there is no evidence on record to connect the applicant with the crime and even the allegation of recovery is not levelled against the applicant.

In the facts and circumstances of the case, taking into account submissions of the counsel for the applicant as well as Public Prosecutor and without expressing any opinion on merits of the case, I think

it just and proper to enlarge the accused-applicant on bail.

Accordingly, the application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant Gulla S/o Jhallaji Gameti shall be released on bail (in FIR No.183/2005 P.S. Amba Mata, Udaipur) provided he executes a personal bond in the sum of Rs.20,000/- and furnishes two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

(GOPAL KRISHAN VYAS), J.

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